

THE
HOME RULE CHARTER
OF THE
NORTH SLOPE BOROUGH

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HOME RULE CHARTER OF THE NORTH SLOPE BOROUGH

PREAMBLE

We, the People of the North Slope Borough area, in order to form an efficient and economical government with just representation, and in order to provide local government responsive to the will of the people, and to the continuing needs of the communities, do hereby ratify and establish this Home Rule Charter of the North Slope Borough of Alaska.

ARTICLE I

NAME AND BOUNDARIES

Sec. 1.010 Name and Classification of Municipality

The municipality shall be known as the "North Slope Borough." Whenever it deems it in the public interest to do so, the municipality may use the name "North Slope Home Rule Borough."

Sec. 1.020 Boundaries and Seat

(a) The boundaries of the municipality shall be the same as the boundaries of the North Slope Borough as they exist on the date of ratification of this Charter or as they may be legally modified subsequent to the date of ratification of this Charter.

(b) The borough seat shall be at Barrow, Alaska.

(c) The North Slope Borough shall be classified as a home rule borough.

ARTICLE II

POWERS

Sec. 2.010 Powers

The municipality has all powers of home rule not prohibited by law or by this Charter.

Sec. 2.020 Construction

The powers of the municipality shall be liberally construed. The specific enumeration of a particular power in this Charter shall not be construed as limiting the powers of the municipality.

Sec. 2.030 Intergovernmental Relations

The municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement with any one or more local governments, the State, or the United States, or any agency or instrumentality of these governments.

ARTICLE III

ASSEMBLY

Sec. 3.010 Powers

The legislative power of the borough shall be in the assembly.

Sec. 3.020 Composition

(a) The assembly shall be composed of seven (7) assemblymen to be elected at large.

Sec. 3.030 Qualifications

(a) A person who has been a resident of the borough for at least six months prior to the date of the election in which he is a candidate is eligible to be an assemblyman. An assemblyman who ceases to be a resident of the borough immediately forfeits his office.

(b) No assemblyman may hold any other compensated borough office or employment, or elected partisan political office, while serving on the assembly. (Ord. 80-1 §4 (part), 1980).

Sec. 3.040 Term and Compensation

(a) The term of office of an assemblyman shall be three (3) years.

(b) The compensation of assemblymen shall be fixed by ordinance. An assemblyman shall also receive actual and necessary expenses incurred in the performance of his duties of office.

Sec. 3.050 Voting and Attendance at Meetings

(a) A majority of the membership of the assembly constitutes a quorum. In the absence of a quorum any number less than a quorum may recess or adjourn the meeting to a later date.

(b) Actions of the assembly are adopted by a majority of the votes authorized on the question. An assemblyman present shall vote unless the assembly for special reasons permits a member to abstain, except no assemblyman may vote on a question in which he has a substantial direct or indirect financial interest.

(c) If an assemblyman fails to attend a regular meeting of the assembly, his compensation for the regular meeting of the assembly missed shall be forfeited.

Sec. 3.060 Election of Assemblymen

(a) Positions of those assemblymen whose terms expire shall be filled at the regular election of the borough for the term provided for in this Charter.

(b) Procedures pertaining to the nomination and election of assemblymen shall be prescribed by ordinance.

Sec. 3.070 Vacancies

(a) The office of an assemblyman shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this Charter, or by forfeiture of his office.

(b) A vacancy shall be filled by a majority of the remaining assemblymen, who shall designate a person qualified to be an assemblyman to fill the vacancy until a successor be elected at the next regular election, and assumes the office. If the next regular election occurs before the end of the term in which the vacancy occurred, the assemblyman elected shall serve only until the end of that term.

(c) A vacancy shall be filled by the assembly within twenty (20) days after the vacancy occurs.

Sec. 3.080 Forfeiture of Office

(a) The assembly shall declare that an assemblyman has forfeited his office by a resolution of forfeiture. The assemblyman affected shall not vote upon the resolution.

(b) The grounds for forfeiture of an office are when an assemblyman:

(1) Fails to comply with all qualifications prescribed by this Charter for an assemblyman;

(2) Knowingly and willfully violates any express prohibition of this Charter expressly pertaining to an assemblyman;

(3) Is convicted of a felony involving moral turpitude and the assembly determines that the crime or the circumstances of its commission are of sufficient magnitude for him to have been shown to be unfit to hold office; or

(4) Fails to attend three (3) consecutive regular meetings of the assembly without being excused by the assembly.

(c) A resolution of forfeiture shall not be passed or be effective unless at least thirty (30) days prior to assembly consideration of the resolution, the assemblyman against whom the resolution is directed shall have received or have had delivered to his last known address, written notice of the specific grounds for the resolution and of the time and place when the resolution will be considered by the assembly. The assemblyman may demand a public hearing by the assembly on the resolution prior to its adoption, and in that case notice of the time and place of the hearing shall be published at the expense of the municipality at least once in a newspaper of general circulation in the municipality. The date of publication shall be at least fifteen (15) days prior to the hearing.

(d) A recording, capable of transcription, shall be kept of hearings on the resolution of forfeiture. The record shall be composed of the documents described in subparagraph (c), other relevant documents which frame the issues, and the evidence, including testimony and exhibits presented during the proceedings. The assembly by ordinance shall provide rules governing the conduct of hearings on resolutions of forfeiture. The rules shall provide for the admission of testimony and evidence; the right to call, confront, and cross-examine witnesses; the power of subpoena and subpoena duces tecum; the amount of witness fees and expenses; and the form, extent, and requirements for service and filing of charges, responses and exhibits. The rules shall ensure due process of law to all persons involved in the hearing.

(e) Judicial review in the Superior Court may be had by filing a complaint within thirty (30) days of the date of passage of the resolution of forfeiture. The appeal shall be heard by the court sitting without a jury. The court may augment the hearing record in whole or in part or hold a hearing de novo. The court may exercise its independent judgment on the evidence and issues presented by the appeal.

(f) All or so much of the record as is designated by the appellant shall be prepared by the municipal clerk, who will file the original with the court and furnish a copy to the appellant and to the assembly. The appellant shall file a cost bond in the sum of seven hundred fifty dollars (\$750.00) with the clerk of the court.

Sec. 3.090 Organization and Rules of Assembly

The assembly shall by ordinance determine its own rules and order of business and shall maintain a journal of its proceedings as a permanent public record. It shall annually elect from its membership a presiding officer, known as "president," to serve at the pleasure of the assembly.

Sec. 3.100 Meetings

(a) The assembly shall meet in regular sessions at least once each month, at such time and place as it shall prescribe by ordinance.

(b) The assembly shall prescribe by ordinance the procedure for holding special meetings.

(c) All meetings of the assembly shall be public and the public shall have reasonable opportunity to be heard. The assembly may recess a meeting of proceeding for the purpose of discussion in closed or executive sessions, limited to its own membership and such other persons as the assembly designates, to discuss pending or potential litigation, or any matter the immediate public knowledge of which would adversely affect the finances of the borough or tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion called for such session, and that action thereon shall not be taken by the assembly in executive session.

The mere discussion of persons or finances shall not be cause for any executive session.

Sec. 3.110 Prohibitions

(a) Relationship with Employees

The assembly shall not recommend or direct the appointment or removal of any officer or employee of the borough administration except as otherwise provided by this Charter. Except for the purpose of inquiry, neither the assembly nor an individual assemblyman may give, either publicly or privately, orders on administrative matters to a subordinate to the mayor.

(b) Representation of Client

No assemblyman may represent any client before any borough department or agency.

Sec. 3.120 Investigations

(a) The assembly may inquire into and investigate the affairs of the borough and the conduct of any borough department, office or agency. For this purpose it shall have power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the assembly shall be guilty of a misdemeanor. The assembly may by ordinance delegate these powers to any municipal commission or board, or a municipal officer, and may employ staff assistance.

(b) The assembly may by ordinance create boards and commissions pursuant to this section for the purpose of

inquiries and investigations. The members of such boards and commissions shall be appointed by the assembly.

Sec. 3.130 Boards and Commissions

(a) Boards and commissions may be established by the assembly by ordinance which shall prescribe their purpose, function, rules and procedure, and terms of office of members.

(b) The mayor shall appoint all members of boards and commissions unless otherwise specifically provided in this Charter. Confirmation by the assembly shall be required. The assembly may by ordinance prescribe the general qualifications and conditions of service on such boards and commissions.

(c) The assembly may by ordinance create, or designate itself to be a board of review, adjustment, equalization, or canvassing board.

ARTICLE IV

LEGISLATION

Sec. 4.010 Form

The form of ordinances shall be prescribed by ordinance except that:

(a) Every proposed ordinance shall be introduced in writing.

(b) The subject of each ordinance shall be expressed in its title.

(c) Each ordinance shall be confirmed to one subject unless it is an ordinance establishing a budget of one codifying, revising or rearranging existing ordinances. Ordinances establishing budgets shall be confined to such subject.

Sec. 4.020 Enactment Procedures

(a) The following procedures govern the enactment of all ordinances except emergency ordinances. An ordinance may be introduced by a member or committee of the assembly or by the borough mayor. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance and its amendments shall be published together with a notice of time and place of public hearing. The hearing shall follow publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The assembly shall hear all interested

persons wishing to be heard. After the hearing, the assembly shall consider the ordinance and may adopt it with or without amendment. The assembly shall print and make available copies of adopted ordinances.

(b) Ordinances take effect upon adoption or at a later date specified in the ordinance.

(c) In (a) of this section "published" means appearing at least once in a newspaper of general circulation distributed within the borough and posting in three (3) public places in the borough for at least five (5) days.

Sec. 4.030 Emergency Ordinances

(a) To meet a public emergency the assembly may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the assembly that an emergency exists and a statement of the facts upon which the findings are based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced.

The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The assembly must print and make available copies of adopted emergency ordinances.

(b) An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

(c) Emergency ordinances are effective for sixty (60) days.

Sec. 4.040 Codes of Regulations

The assembly may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies, except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen days before adoption, at least five copies of the code must be made available for a public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The assembly shall provide for the adopted code to be sold to the public.

Sec. 4.050 Codification

(a) Each ordinance and resolution after adoption shall be codified.

(b) Within two years after adoption of this Charter, the borough mayor, with the advice and assistance of a legal

advisor, shall have prepared a general codification of all borough ordinances of general applicability having the force and effect of the law. The borough code shall be revised and printed at least every five years, unless the code is kept current by regular supplements.

(c) In (a) of this section, codified means:

(1) The ordinance has been given a serial number or other permanent identifying number and, bearing a notation of the date of adoption and the designation of the adopting authority, it has been entered by the borough clerk in a properly indexed book maintained for the purposes of organizing and recording the ordinances; or

(2) The ordinance is a provision included, or to be included, in a code of ordinances or other complete system or positive law promulgated by the assembly and kept current by the borough at reasonable intervals.

Sec. 4.060 Acts Required to be by Ordinance

The assembly shall use ordinances to:

- (a) Establish, alter, or abolish municipal departments;
- (b) Fix the compensation of members of the assembly;
- (c) Provide for a fine or other penalty (for establishing rules or regulations) for violation of which a fine or other penalty is imposed;
- (d) Provide for the levying of taxes or establishment of a service area, except that the mill levy may be fixed by resolution;
- (e) Make appropriations and supplemental appropriations or transfer appropriations;
- (f) Grant, renew, or extend a franchise;
- (g) Regulate the rate charged by a public utility;
- (h) Adopt, modify, or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map;
- (i) Authorize the borrowing of money;
- (j) Prepare amendments to the Charter;
- (k) Convey or lease, or authorize the conveyance or lease, of any lands of the municipality except that the assembly may enact a general ordinance establishing procedures for the routine acquisition and disposition of interests in real property.

Sec. 4.070 Authentication

(a) The clerk shall authenticate by signature, and date, all ordinances and resolutions adopted by the assembly, and cause them to be bound or recorded in full in properly indexed books, one of which shall be open to the public in the clerk's office during business hours.

ARTICLE V

THE EXECUTIVE BRANCH

Sec. 5.010 The Office of the Mayor

(a) The term of the mayor shall be three (3) years.

(b) The borough executive and administrative power is vested in the borough mayor. The borough mayor, as the chief administrative officer, is responsible for the proper administration of all borough affairs. The borough mayor shall:

(1) Appoint the borough clerk, the borough attorney the borough treasurer, the borough police chief, and all other borough employees, administrative officer and department heads; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department; officers appointed by the borough mayor serve at the mayor's pleasure; appointments by the borough mayor of the borough clerk, the borough attorney, the borough treasurer, and borough police chief, are subject to confirmation by the borough assembly;

(2) Suspend or remove by written order all borough employees and administrative officers;

(3) Supervise enforcement of borough laws;

(4) Prepare the annual budget and capital improvements program for the assembly;

(5) Execute the budget and capital improvement program as adopted;

(6) Make monthly reports to the assembly on borough finances and operations;

(7) Report to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;

(8) Prepare and make available for public distribution an annual report on borough affairs;

(9) Serve as borough personnel officer unless the assembly authorized him to appoint a personnel officer;

(10) Direct and supervise the administration of:

a. the functions of all borough officers and employees except as provided otherwise in this Charter,

b. the care and custody of all borough buildings and of all real property of the borough, including educational facilities,

c. the construction, maintenance, and operation of all borough roads, bridges, drains, buildings and other public works;

(11) Appoint members of the borough planning commission for terms prescribed by ordinance, subject to confirmation by the assembly;

(12) Execute all other powers or duties specified in this Charter or lawfully prescribed by the assembly.

(c) The borough mayor, subject to assembly approval, shall designate a person to act as mayor during the mayor's temporary absence or disability.

(d) With the consent of the assembly, the borough mayor may serve as the head of one or more borough departments or may appoint one person as the head of two or more departments.

(e) Procedure for the preparation and submission of the annual budget and capital improvements program shall be established by ordinance.

Sec. 5.020 Eligibility

(a) To be eligible to serve as borough mayor, a person:

(1) Shall be a qualified voter, and

(2) Shall have been a resident of the borough for not less than six (6) months preceding the date of the election at which he is a candidate.

(b) The mayor shall remain a resident of the borough while in office.

(c) No person who has been elected mayor of the home rule borough for two full consecutive terms shall again be eligible to hold that office until one full term has intervened.

Sec. 5.030 Compensation

The compensation of the mayor shall be fixed by ordinance and shall not be reduced during his term of office without his consent.

Sec. 5.040 Vacancy

(a) A vacancy in the office of mayor occurring within six months before a regular election shall be filled by the assembly. The person designated shall serve until the next regular election and until a successor is elected and has qualified. If an assemblyman is chosen, he shall resign his assembly seat. If a vacancy occurs more than six months before a regular election, the assembly shall call a special election to fill the unexpired term.

(b) The office of the mayor becomes vacant on death, resignation, removal as authorized by law, including removal for incapacity, or forfeiture of office. The assembly shall by ordinance provide for the removal of the mayor on the ground of incapacity; provided that in no event shall temporary incapacity be the basis for removal.

(c) The mayor shall forfeit his office if he lacks any of the qualifications prescribed by this Charter.

Sec. 5.050 Assembly Participation

The mayor may take part in the discussion of all matters before the assembly but may not vote.

Sec. 5.060 Veto

The mayor may veto any ordinance, resolution, motion or other action of the assembly and may, by veto, strike or reduce items in appropriation ordinances except for school budget items. The mayor shall submit to the assembly at its next regular meeting a written statement advising of his veto, and giving his reasons. His veto may be overridden by two-thirds of all the votes to which the assembly is entitled on the question.

Sec. 5.070 Chief Administrative Officer

(a) There may be a chief administrative officer who may be appointed by the mayor and confirmed by the assembly, and who shall serve at the pleasure of the mayor. He shall be selected solely on the basis of his professional qualifications as an administrator. He need not be a resident of the borough at the time of appointment, but must be a resident while in office.

(b) The chief administrative officer shall serve as the principal assistant to the mayor in the overall conduct of the executive and administrative functions of the borough.

(c) The chief administrative officer may assume the powers and duties of the mayor except those powers described in Sec. 5.010(b), (1), (2) and (4), during the temporary absence or temporary incapacity of the mayor.

Sec. 5.080 Departmental Organization and Administration

(a) The assembly may adopt by ordinance an administrative code which shall include:

(1) The identity, functions, responsibilities of each executive department and agency.

(2) Personnel policies and rules which shall include provisions:

- a. establishing qualifications for employment,
- b. establishing a merit system,
- c. permitting appeal from personnel decision,
- d. recognizing collective bargaining,
- e. protecting borough employees from arbitrary discharge,
- f. safeguarding against nepotism, and
- g. provision for the central accounting for the borough unless otherwise provided in this Charter.

(3) Rules of practice and procedures governing administrative proceedings.

(b) The assembly may, notwithstanding subsection (a) of this section, deal with the subject matter of subsection (a) by ordinance.

Sec. 5.090 Unified Administration

Each function or activity undertaken by the borough, whether provided areawide or on a service area basis, shall be administered by one department or agency.

ARTICLE VI

ELECTIONS

Sec. 6.010 Regular Elections

A regular election shall be held annually on the first Tuesday in October, or on such other date as the assembly may provide by ordinance. The date of holding regular elections shall not be changed by the assembly within one (1) year prior to the date of the regular election affected.

Sec. 6.020 Special Elections

The assembly shall provide by ordinance for the holding of special elections.

Sec. 6.030 Qualifications of Voters

To be eligible to vote at any borough election, at the time of the election a person shall be:

- (a) Qualified to vote in State elections;
- (b) A resident of the borough for at least thirty (30) days;
- (c) Registered, if required by ordinance.

Sec. 6.040 Nominations

(a) Candidates for elective borough office shall be nominated by a petition signed by at least twenty-five (25) qualified voters who are residents of the borough.

(b) No nominating petition may be accepted unless accompanied by a signed acceptance of the nominee.

(c) All nomination papers comprising a petition shall be assembled and filed in person with the clerk during office hours as one instrument not earlier than ninety (90) days or later than thirty-five (35) days before the election, or sent to the borough clerk by certified mail and received no later than twenty (20) days prior to the election.

Sec. 6.050 Election Procedures

- (a) All municipal elections shall be nonpartisan.
- (b) The assembly shall prescribe by ordinance the procedure for the conduct of municipal elections.
- (c) The assembly shall provide by ordinance for absentee voting.

Sec. 6.060 Determination of Election Results

- (a) The candidate who receives the highest number of votes in excess of forty (40) percent of the votes cast for his respective office shall be declared elected.
- (b) If no candidate receives in excess of forty (40) percent of the votes cast for that office, the assembly shall cause a runoff election to be held within forty (40) days between the two candidates receiving the greatest number of votes. The runoff election shall be conducted according to procedure prescribed by ordinance.

Sec. 6.070 Election Districts

There shall be one at large election district comprised of the entire borough.

Sec. 6.080 Canvassing of Ballots

The assembly acting as a canvassing board shall conduct the canvass according to procedures prescribed by ordinance.

ARTICLE VII

INITIATIVE, REFERENDUM AND RECALL

Sec. 7.010 Reservation of Powers

The powers of initiative and referendum are reserved to the residents of the borough in the manner prescribed by law with reference to all legislative authority. The powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds.

Sec. 7.020 Petition

- (a) The assembly by ordinance shall regulate the procedure for the exercise of the powers of initiative, referendum and recall. Such ordinance shall require:
 - (1) That a petition to initiate action be signed by qualified voters of the borough equal in number to at least twenty-five (25) percent of the total number of electors voting at the last regular election; and

(2) The subject of the petition shall be submitted to the voters at an election no later than ninety (90) days after submission of the petition to the borough clerk.

(b) The borough clerk shall transmit the petition to the assembly at its next regular meeting following submission to the clerk.

Sec. 7.030 Results

If a majority of the qualified voters voting on a proposed initiative measure vote in its favor, it shall be adopted upon certification of the election and shall be treated in all respects in the same manner as if adopted by the assembly. If a majority of the qualified voters voting on a referred measure vote for repeal, it shall be considered repealed upon certification of the election. If conflicting measures are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Sec. 7.040 Effects of Election

(a) An ordinance adopted by the initiative procedure may not be amended or repealed by the assembly for a period of two (2) years after the date of the election at which it was adopted.

(b) Ordinances repealed by referendum shall be null and void from the day following the election.

Sec. 7.050 Suspension of Referred Measures

A measure which has not yet taken effect shall be suspended by a referendum petition. The suspension shall terminate on a determination of the insufficiency of the petition, as provided by law, or on a majority vote against repeal of a referred measure.

Sec. 7.060 Recall

(a) Elected Officials Subject to Recall

All elected public officials of the borough are subject to recall by the voters of the borough. Procedures and grounds for recall shall be as prescribed by statutes of the State of Alaska, this Charter, and authorized ordinances.

(b) Petition

Recall proceedings shall be commenced by petition. The petition shall be signed by a number of qualified municipal voters equal to at least twenty-five (25) percent of the votes cast in the borough at the preceding regular municipal election.

(c) Election

There shall be an election on a recall petition within forty (40) days of certification of the petition. If a vacancy occurs in the office in question after a recall petition is filed, the petition shall not be submitted to the voters.

(d) Subsequent Recall

If an official is not recalled at the recall election, a petition to recall the same official shall not be filed sooner than one (1) year after the recall election, unless different grounds for recall exist subsequent to the date of the filing of the last recall petition.

(e) Filling of Vacancy

If the voters recall an official the vacant office shall be filled in the manner prescribed by Sec. 3.070 of this Charter.

ARTICLE VIII

PLANNING

Sec. 8.010 Planning Commission

(a) There shall be a planning commission consisting of five (5) members who shall be appointed by the mayor from among the qualified voters of the borough.

(b) Members of the planning commission may hold other borough employment. The commission shall make recommendations to the mayor, and through him to the borough, including the comprehensive plan, public services, fiscal policies and capital improvements program. The planning commission shall have the platting authority for the borough. The commission shall have administrative responsibility for land use control and zoning in the borough, and shall have the powers prescribed by law, together with any additional powers provided by state law with respect to municipal planning commissions and not prohibited by ordinance.

(c) The assembly by ordinance shall prescribe the terms of office of the members of the planning commission, and shall by ordinance provide for selection of officers and technical advisors of the planning commission.

(d) Members of the planning commission shall serve with compensation and shall receive their necessary expenses incurred in the performance of their duties. The compensation shall be fixed by ordinance. The term of said members shall be three (3) years.

(e) All ordinances prescribing other procedures and duties of the planning commission presently existing in the North Slope Borough shall be deemed to be adopted so long as they do not conflict with the provisions of this Charter. (Ord. 80-1 §4 (part), 1980).

Sec. 8.020 Land Use and Zoning

The assembly shall by ordinance adopt land use and zoning regulations which shall include an official zoning map.

ARTICLE IX

EDUCATION

Sec. 9.010 Public School System

There shall be a system of public education for the borough conducted in a manner prescribed by Title 14 of the Alaska Statutes. It shall be operated by a school board of seven elected members or such other number required of home rule boroughs by law.

Sec. 9.020 School Board

(a) Qualifications

(1) To be eligible for nomination for the office of school board member and to serve in that capacity, a person shall have the qualifications of an assemblyman under Sec. 3.030 (a) of this Chapter.

(2) No school board member may hold any other compensated school district employment or office, or elected partisan political office while serving on the school board.

(b) Term

The term of a school board member shall be three (3) years. The compensation of school board members shall be fixed by ordinance.

(c) Powers and Duties

The powers and duties of the school board shall be those set forth in Title 14, "Education," of the Alaska Statutes, and the compiled school laws of the State of Alaska.

(d) Vacancies

The office of school board member shall become vacant upon death, resignation, or removal from office in any manner authorized by law or by this Charter, or by forfeiture of office as prescribed for assemblymen in Sec. 8.080 of this Charter. Vacancies shall be filled in a manner prescribed by Title 14 of the Alaska Statutes. (Ord. 80-1 §4(part), 1980).

Sec. 9.030 Public Meetings

All meetings of the school board shall be conducted as provided for the meetings of the assembly in Sec. 3.100 of this Charter. The school board shall fix the time and place of its regular meeting, and shall define the procedure for the holding of special meetings.

Sec. 9.040 Budget

The superintendent of schools shall submit a proposed annual budget to the board at such time as the board may direct, but in no event later than the first day of January of the fiscal year next preceding the fiscal year to which the budget applies. This proposed school budget shall be a public record available from the time of its submission to the board for public inspection and distribution at a reasonable price. The board shall hold public hearings on the budget before approval and submission to the mayor for review prior to referral to the assembly. This submission by the board shall be no later than February 1st of the fiscal year next preceding the fiscal year to which the budget applies, and shall be accompanied by a six-year program for capital improvements and fiscal policies.

Sec. 9.050 Joint Conferences of Assembly and School Board

The assembly and school board shall meet jointly at least twice each year in public session to discuss matters of mutual interest.

ARTICLE X

BOROUGH UTILITIES

Sec. 10.010 Operating Standards

Each borough utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

Sec. 10.020 Accounting

Each borough utility shall have a separate budget within the annual borough budget and the accounts of the utilities shall be separately kept and classified in accordance with the uniform accounts generally prescribed for public utilities providing the same utilities service.

Sec. 10.030 Management

The operating and administrative manager of borough utilities shall be chosen solely on the basis of his demonstrated training and experience in utility operations. The administrator shall insure that the utilities are operated in accordance with rules and regulations approved by the assembly.

ARTICLE XI

FINANCE

Sec. 11.010 Fiscal Year

The fiscal year of the borough shall begin on the first day of July and end on the thirtieth day of June of the following year.

Sec. 11.020 Submission of Budget, Capital Improvements Program and Message

Not later than March 1st of the current fiscal year, the mayor shall submit to the assembly a budget for the following fiscal year, a capital improvements program and an accompanying explanatory message of both.

Sec. 11.030 Scope of Budget

(a) The budget shall be a complete financial plan for all the operations of the borough, including the education function, showing all reserves, all estimated revenues from all sources, and all proposed expenditures for all purposes.

(b) The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year and estimated expenditures and estimated revenues for the current fiscal year.

(c) Proposed expenditures shall not exceed total estimated revenues and reserves.

Sec. 11.040 Scope of Capital Improvements Program

(a) The capital improvements program shall be a plan for capital improvements proposed for the following six fiscal years, together with the estimated cost of each improvement and the proposed method of financing it. It shall contain at least the following:

(1) A summary of current capital improvements which are unfinished;

(2) A simple, clear summary of the detailed contents of the program;

(3) Capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement and the proposed method of financing it.

(b) Capital improvements to be financed in the following fiscal year shall be included in the budget as well as in the capital improvements program.

(c) The capital improvements program shall be adopted by ordinance which establishes appropriations and proposed completion date.

Sec. 11.050 Scope of Message

The mayor's message shall contain an explanation of the budget both in fiscal terms and in terms of work to be done, a description of the important features of the budget, an outline of the proposed financial policy of the borough for the following fiscal year, and an explanation of each capital improvement to be undertaken within the following six fiscal years.

Sec. 11.060 Hearing on Budget and Capital Improvements Program

By May 1st of the current fiscal year a public hearing shall be held on the budget and capital improvements program. All persons interested shall have an opportunity to be heard. The public hearing shall be noticed as in the case of ordinances.

Sec. 11.070 Assembly Action on Budget

The assembly by ordinance shall adopt a budget no later than June 15th of the current fiscal year. If it fails to do so, the budget submitted by the mayor shall be deemed adopted by the assembly as the budget for the following year.

The assembly by ordinance or resolution adopted by June 15th of the current fiscal year shall provide for the tax levies required in the budget. If it fails to do so, the tax levies required in the budget shall be deemed adopted by the assembly.

All ordinances on procedures presently exercised by the borough as referring to tax levies, tax calendar and resolutions are deemed to be adopted as part of this Charter.

Sec. 11.080 Assembly Action on Capital Improvements Program

The assembly by ordinance shall adopt the capital improvements program not later than June 15th of the current fiscal year. If it fails to do so, the capital improvements program submitted by the mayor shall be deemed adopted by the assembly.

Sec. 11.090 Certification and Distribution

(a) Certification

The budget and capital improvements program as adopted shall be certified by the mayor and clerk and shall be public record.

(b) Distribution

Copies of the budget and capital improvements program as so certified shall be made available at the clerk's office for distribution to the public at such reasonable prices as the assembly may direct.

Sec. 11.100 Supplemental and Emergency Appropriations

(a) Supplemental Appropriations

If during any fiscal year there are available revenues received from sources not anticipated in the budget from that year or revenues received in excess of budget estimates, the assembly by ordinance may make supplemental appropriations for the year up to the amount of the additional revenues.

(b) Emergency Appropriations

Upon declaration by the assembly that a public emergency exists and describing the emergency in clear and specific terms, the assembly may make emergency appropriations. Such appropriations may be made by emergency ordinance. If there are no available funds to meet such appropriations, the assembly may provide for supplemental tax levies by an ordinance which the emergency appropriation is approved and enacted under the procedures outlined in Sec. 4.030.

Sec. 11.110 Reduction and Transfer of Appropriations

(a) If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the assembly by resolution. Thereafter the assembly may reduce any appropriation, except for debt service or for cash deficit. No appropriation may be reduced by more than the amount of the unencumbered balance.

(b) The mayor may transfer part or all of any unencumbered balance between classification of expenditures within a department, office or agency, or from one department to another excluding the education function. No transfer may be made from appropriations for debt service or for cash deficit.

(c) The fiscal procedures ordinance may provide for a lapsed fund to be automatically transferred to a capital projects fund.

Sec. 11.120 Lapse of Appropriations and Surpluses

Every unencumbered surplus of the general fund or a service area shall lapse at the close of the fiscal year to the general fund or service area, respectively. An appropriation for a capital improvements shall not lapse until its purpose has been accomplished or abandoned.

Sec. 11.130 Administration of Budget

(a) No payment may be made and no obligation incurred against the municipality except in accordance with appropriations duly made. No payment may be made and no obligation incurred against any appropriation unless the mayor ascertains that there is a sufficient unencumbered balance in

the appropriation and that sufficient funds are or will be available to cover the obligation.

(b) Every obligation incurred and every authorization of payment in violation of this Charter shall be void.

Every payment made in violation of the provisions of this Charter shall be illegal. All officers or employees of the municipality who authorize or make such payment shall be jointly and severally liable to the municipality for the full amount so paid. The mayor shall proceed forthwith to collect the indebtedness unless otherwise directed by the assembly.

(c) Notwithstanding Sec. 11.130 (a) of this Charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than one year for any contract, lease or note or bond obligation, or federal or state grant, or any other federal or state program that the municipality may not otherwise participate in.

(d) Except as otherwise provided by the assembly by ordinance, the assembly shall provide that all funds of the municipality from whatever source, including the education function, shall be deposited in a central treasury.

(e) Except as otherwise provided by the assembly by ordinance, the assembly shall provide for centralized accounting of all accounting functions of the municipality, including the education function.

(f) Except as otherwise provided by the assembly by ordinance, the assembly shall provide for centralized purchasing of supplies, material, and equipment for the municipality and its departments, offices, and agencies, including the education function.

Sec. 11.140 Competitive Bidding

The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding. Contracts for public improvements and, whenever practicable, other purchase of supplies, materials, equipment, and services, except professional services and services of officers and employees of the municipality, shall be by competitive bid and awarded to the lowest qualified bidder. All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

Sec. 11.150 Enterprise Funds

Revenues from a municipal enterprise whether established before or after the ratification of this Charter shall be first used for debt retirement, construction, acquisition, operation, maintenance, repair and capital improvement of the enterprise. Other uses of such revenues shall be only as authorized by ordinance or by budgetary action.

Sec. 11.160 Audits

The assembly shall provide annually for an independent audit of the accounts of the municipality. The audit shall be made by a certified public accountant designated by the assembly.

Sec. 11.170 Assessments

All real property to be taxed shall be assessed for tax purposes at full and true market value.

Sec. 11.180 Sales and Use Tax

Any sales or use tax or change in rate thereof shall be by ordinance ratified by a majority of the qualified voters voting on the questions in the affected areas.

Sec. 11.190 Ordinances

To the extent not inconsistent with this Charter, the assembly may set forth by ordinance the fiscal procedure to be followed by the borough.

ARTICLE XII

BORROWING

Sec. 12.010 Authority

The borough may borrow money and issue such evidence thereof, herein called "obligations," as the assembly may determine necessary.

Sec. 12.020 Revenue Anticipation Notes

(a) The borough may borrow money in a fiscal year to meet appropriations for that fiscal year in anticipation of the collection of taxes and estimated revenues for the fiscal year and may issue its revenue anticipation notes as evidence of the borrowing.

(b) The assembly may, by ordinance or resolution, authorize the issuance of revenue anticipation notes and prescribe the form and details of the notes and the manner of their execution. The assembly may delegate to the borough's chief fiscal officer the power to issue the notes from time to time under the terms and conditions of the ordinance or resolution which provides for the manner of their sale. Revenue anticipation notes and notes issued to renew notes previously issued mature not later than the end of the fiscal year in which they are issued.

(c) The aggregate amount of revenue anticipation notes at any time outstanding may not exceed fifty (50) percent of the amount of revenues estimated to be collected in the fiscal year in which the notes are issued, less the amount of estimated revenues actually collected in the fiscal year before the issuance of the notes.

(d) The assembly, upon adoption of a long-range capital improvement budget by ordinance or resolution, may by resolution provide for revenue anticipation notes in an amount not to exceed the total amount of state or federal grants finally committed for these projects. The notes mature no later than the end of the next fiscal year. The notes may be for single or multiple projects outlined in the adopted capital improvement budget.

(e) The payment of the principal and interest on revenue anticipation notes shall be payable from revenues, and their payment additionally shall be secured by a pledge of the full faith, credit and unlimited taxing power of the borough.

(f) The borough may sell revenue anticipation notes in the manner and at the price it determines at either public or private sale. No election is necessary to authorize the sale or issuance of revenue anticipation notes.

(g) If the revenue anticipation notes have not been paid by the borough before maturity of the notes issued in anticipation of the receipt of the revenue, the governing body of the borough may issue new notes in order to meet payment of the notes then maturing or may renew the outstanding revenue anticipation notes. New notes issued or renewals of outstanding revenue anticipation notes shall mature not later than the end of the next fiscal year.

Sec. 12.030 Bond Anticipation Notes

(a) The borough may borrow money in anticipation of the sale of general obligation and revenue bonds if,

(1) The general obligation bonds to be sold have been authorized by the assembly and ratified by a majority vote at a regular or special election;

(2) The revenue bonds to be sold have been authorized by ordinance.

(b) The assembly shall issue negotiable or nonnegotiable notes for the amounts borrowed with a maturity date not to exceed one year from the date of issue. All notes and the interest on them are payable at fixed places on or before a fixed time, from the proceeds of the sale of bonds in anticipation of which the original note or notes were issued, unless the bonds have not been sold by the maturity date of the notes.

(c) If the sale of the bonds has not occurred before the maturity of the notes issued in anticipation of the

sale, the assembly shall issue new notes in order to meet payment of the notes then maturing or shall renew the outstanding bond anticipation notes. New notes issued or renewals of outstanding bond anticipation notes shall bear a maturity date not to exceed one year from the date of issue. Notes, new notes, and renewals of notes shall not be outstanding for a total elapsed time of more than three years.

(d) Every note is payable from the proceeds of the sale of bonds which the notes anticipated or from the proceeds of the sale of new bond anticipation notes.

(e) Notwithstanding any other provisions of this Charter as to payment of notes, notes issued in anticipation of the sale of general obligation bonds and the interest on them are secured by the full faith, credit, taxing power and resources of the municipality. The borough may levy ad valorem taxes for payment without limitation of rate or amount.

Notes issued in anticipation of the sale of revenue bonds and the interest on them are secured in the same manner as are the revenue bonds in anticipation of which the notes are issued.

(f) The total amount of notes issued and outstanding shall at no time exceed the total amount of bonds authorized to be issued.

(g) The proceeds from the sale of notes shall be used only for the purposes for which the proceeds from the sale of bonds may be used or to meet payment of outstanding bond anticipation notes.

(h) Notes issued under this Charter shall be sold by the borough in the manner and at the price it determines, at either public or private sale, but no note may be sold for less than par and accrued interest.

Sec. 12.040 Election

No general obligation bonded indebtedness may be incurred unless authorized by the assembly and ratified by a majority vote of those in the borough voting on the question.

Sec. 12.050 Notice of Bond Election

In calling any election required by this article, the assembly shall cause a notice to be published at least once a week for at least three consecutive weeks in a newspaper of general circulation in the borough. The notice shall contain the following information:

(1) The amount of the bonds, purpose of their issuance, and length of time within which the bonds shall mature;

(2) The estimated annual debt service on the proposed bonds;

(3) The current total general obligation indebtedness of the borough, including authorized but unsold general obligation bonds;

(4) The current year's debt service on the outstanding general obligation bonds of the borough;

(5) The current total assessed valuation within the borough.

For bonds secured by a pledge of taxes to be levied in a service area, the notice shall also contain the information required in (3), (4) and (5) relative to the service area.

Errors contained in information required in (2), (3), (4) and (5) with regard to the borough or a service area shall not invalidate any election unless such errors are substantial. Actions challenging the sufficiency of any notice of election must be brought within the time provided in Sec-12.070 of this Charter.

Sec. 12.060 Sale to Financial Consultants Prohibited

No person retained by the borough to perform services relating to financial programming or to the issuance and sale of obligations may bid on such obligations, directly or indirectly. Violation of the provisions of this section shall not invalidate the obligations.

Sec. 12.070 Actions Challenging the Validity of Obligations

No action challenging the authority or proceedings for, or the validity of, the issuance of obligations, a bond ratification election, or the levy of taxes to pay obligations may be commenced or maintained unless instituted within thirty days from the date of certification of the results of the election ratifying the issuance, or of the adoption of the ordinance or resolution authorizing the issuance when ratification is not required.

Sec. 12.080 General Obligations not Requiring Ratification

The assembly may authorize the following general obligation bonds without requiring ratification of the qualified voters: disaster bonds to be issued in case of calamity which has caused great loss for the preservation, rehabilitation, or reconstruction of municipal capital improvements.

Sec. 12.090 Payment

(a) The full faith and credit of the borough are pledged for the payment of principal and interest on general obligations bonds. The borough may levy ad valorem taxes for payment without limitation of rate or amount.

(b) General obligations bonds issued for acquiring, constructing, improving and equipping a borough-owned utility or other revenue-generating enterprise may be additionally secured by a pledge of the revenue derived from operation. Bonds so secured are not subject to any debt limitation imposed by this Charter.

(c) The power of the borough to impose sales and use taxes shall not be limited as to rate and amount in order that the principal and interest on general obligation bonds may be paid from such revenue without limitations.

Sec. 12.100 Revenue Bonds

(a) The borough may acquire, construct, improve and equip capital improvements to be operated upon a revenue-producing basis, and bonds for these purposes are payable solely from unpledged revenue of the public facilities for which the bonds are issued.

(b) No election is required to authorize the issuance and sale of revenue bonds, unless otherwise provided by ordinance.

(c) The assembly by resolution shall fix the date of the bonds, denominations, maturities, rate of interest, place and manner of payment, redemption terms, registration privileges, manner of execution and signatures required. If an officer whose signature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature is valid as if he had remained in office until delivery.

(d) Bonds issued under Sec. 12.100 of this Charter or the proceedings of the assembly authorizing their issuance may contain the covenants which the assembly considers advisable concerning:

(1) The rates or fees to be charged for services rendered by the public facilities, the revenue of which is pledged to the payment of the bonds;

(2) The deposit and use of the revenue of the public facilities;

(3) The issuance of additional bonds payable from revenue of the public facilities;

(4) The rights of the bondholders in case of default in the payment of the principal or interest on the bonds, including the appointment of a receiver to operate the public facilities;

(5) Other covenants as the assembly determines.

Sec. 12.110 Refunding Bonds

(a) If the borough has outstanding general obligation or revenue bonds and the assembly determines that it would be financially advantageous to refund the bonds, the assembly may provide by ordinance for the issuance of general obligation or revenue refunding bonds.

(b) The refunding bonds may take up and refund all or any part of outstanding bonds at or before their maturity or redemption date. The assembly may include various series and issues of bonds in a single issue of refunding bonds.

(c) No election is required to authorize the issuance and sale of refunding bonds. Their issuance may be authorized and all proceedings with reference to them prescribed by ordinance of the assembly. However, when it is desirable to use general obligation bonds to refund a revenue bond issue, the governing body shall call an election on the question.

(d) General obligation refunding bonds are payable according to Sec. 12.090 of this Charter. Revenue refunding bonds are payable according to Sec. 12.100 of this Charter.

(e) General obligation or revenue refunding bonds may, in the discretion of the assembly, be exchanged at par for the bonds being refunded, or may be sold at public or private sale for an amount not less than par and accrued interest. They may be issued and delivered at any time before the date of maturity or redemption of the refunded bonds.

Sec. 12.120 Public Sale

The borough shall sell all bonds at a public or private sale as provided by ordinance. No bonds may be sold at less than par value.

Sec. 12.130 Interest Rate

No bond or note may bear an interest rate exceeding the contract usury rate of interest provided by law.

Sec. 12.140 Bond Attorneys, Bond and Financial Consultants

The mayor or his designee shall be the sole contracting authority for bond attorneys, bond consultants and financial consultants engaged in long-range financial planning of the borough which leads to sale of bonds, subject to approval of the assembly.

Sec. 12.150 Redemption before Maturity

A bond or note may be made subject to redemption before maturity as stated in the authorization or in the bond or note.

Sec. 12.160 Indebtedness

(a) The borough may incur indebtedness:

- (1) On an areawide basis for areawide functions; or
- (2) On a noncity basis for functions performed in the area outside cities only; or

(3) On a service area basis for functions performed in a service area only.

(b) Payment of debt principal and interest as well as other costs shall be limited to the area incurring the debt under (a)(2) or (a)(3) of this section, except that the full faith and credit of the entire borough may be pledged to guarantee payment of principal and interest.

(c) If the bonded debt to be incurred by the borough is an areawide debt, the vote is areawide; if the full faith and credit of the entire borough is pledged for the payment of the debt of the area outside cities or of a service area, an areawide election shall be held and the proposition must pass both areawide and in the area which will benefit from the improvement; if the bonded indebtedness to be incurred is limited to areas outside cities only or to service areas, the vote is limited to voters in those areas.

ARTICLE XIII

TAXATION

Sec. 13.010 Taxing Authority and Limitations Thereon

(a) The assembly shall have, and never surrender or delegate, the power to tax, provided that no sales tax ordinance adopted by the assembly is valid until ratified by a majority of the voters voting on the question at a general or special election.

(b) Any sales and use tax in effect within the borough at the time of the adoption of this Charter, shall remain in full force and effect notwithstanding Sec. 13.010 of this Charter, until the assembly by ordinance repeals or amends those provisions of any ordinance setting the rate of the tax.

Sec. 13.020 Property Tax

(a) All property within the borough not expressly exempted from taxation by this Charter or by ordinance shall be subject to an ad valorem property tax.

(b) Unless otherwise provided by ordinance, the North Slope Borough may not levy and tax for any purpose in excess of three percent or that levy and tax allowed nonhome rule municipalities, whichever is greater, of the assessed valuation of property within the North Slope Borough in any one year.

(c) The limitation provided for in Sec. 13.010(b) of this Charter does not apply to taxes levied or pledged to pay or secure the payment of the principal and interest on bonds. Taxes to pay or serve the payment of principal and interest on bonds may in the absence of an ordinance be levied without limitation as to rate or amount.

(d) Private leaseholds, contracts or interests in land or property owned or held by the United States, the state, or other political subdivisions, shall be taxed to the extent of the interests. This paragraph shall have no effect on the right of the borough to tax other property and no lien provided for in this article shall be construed as an exclusive remedy for the collection of taxes.

(e) The term "property" under this Charter for any kind of tax shall be defined by ordinance.

Sec. 13.030 Property Tax Procedure

(a) The assembly shall prescribe by ordinance the procedures for tax assessment and collection.

(b) Such procedures shall provide for the assessment of property at its full and true value and for notice of assessment, administrative appeal, and judicial review.

(c) Any property tax, together with collection charges, penalties, and interest is a first lien on that property.

Sec. 13.040 Sales and Use Tax

(a) The assembly may by ordinance impose a sales and use tax.

(b) The rate of the sales and use tax and the transactions subject to the sales and use tax shall be prescribed by ordinance.

ARTICLE XIV

SERVICE AREAS AND LOCAL IMPROVEMENTS

Sec. 14.010 Service Areas and Powers Outside Cities

(a) The North Slope Borough may exercise in the area outside incorporated cities the powers necessary to provide the following public facilities and services:

- (1) Streets and sidewalks;
- (2) Sewer and sewage treatment facilities;
- (3) Harbors, wharves and other marine facilities;
- (4) Watercourse and flood-control facilities;
- (5) Health services and hospital facilities;
- (6) Cemeteries;
- (7) Police protection and jail facilities;
- (8) Cold storage plants;
- (9) Telephone systems;
- (10) Light, power and heat;
- (11) Water;
- (12) Transportation systems;
- (13) Community centers;
- (14) Libraries;

- (15) Recreation facilities;
- (16) Airports and aviation facilities;
- (17) Garbage and solid waste collection and disposal service and facilities;
- (18) Fire protection service and facilities;
- (19) Parking and parking facilities;
- (20) Housing and urban renewal, rehabilitation and development;
- (21) Preservation, maintenance and protection of historic sites, buildings and monuments;
- (22) Consumer protection.

(b) In the event of the transfer of any power enumerated in Sec. 14.010(a) by less than all the cities of the North Slope Borough, such power or powers transferred shall be exercised within any city transferring the power or powers in the manner that such power or powers are exercised in the area outside cities.

(c) Service areas may be established to provide services not provided on an areawide basis or to provide a higher level of service than that provided on an areawide basis.

Sec. 14.020 Establishment

(a) The assembly by ordinance may establish, alter, consolidate, or abolish service areas. The assembly by ordinance may add or eliminate services to a service area. The ordinance shall contain the following:

- (1) Boundaries and area to be included;
- (2) Service to be provided or be eliminated; and
- (3) Other provisions the assembly includes.

(b) Procedures for the establishment by petition, or in protest, of a service area shall be in accordance with Secs. 7.010--7.030 of this Charter as it would apply to the area in question. If a petition of protest is filed, the ordinance is suspended until ratified by a majority of those in the service area voting on the question. Each new service or each service to be eliminated shall be placed separately on the ballot.

Sec. 14.030 Criteria

Service areas shall be established according to criteria of need and economic operating efficiency and shall comprise the area to which the services shall be provided. A new service area shall be established only after assembly determination that such services cannot be provided reasonably by an existing service area or by alteration of an existing service area.

Sec. 14.040 Financing

The assembly may levy taxes, assessments, or other charges within a service area to finance the services, and funds thereby raised shall not be used for any purpose outside of the service area.

Sec. 14.050 Local Improvements

(a) The assembly shall prescribe by ordinance the procedures for establishing local improvement districts and for levying special assessments on benefitted property to finance all or a part of the cost of the public improvement.

(b) All real property in the improvement district, whether or not exempt from general property taxation, shall be assessed for local improvements unless specifically exempted by ordinance pertaining to the local improvement and having general effect.

(c) If protests as to the necessity for any local improvement are made within the time allowed by ordinance by the owners of real property that will bear at least fifty percent of the estimated cost to be borne by the benefitted property, the improvement shall not proceed until the protests have been reduced below fifty percent.

(d) No special assessment shall be contested by a civil action unless such action is commenced within sixty days after confirmation of the assessment roll.

(e) A special assessment, together with collection and interest charges, is a lien on the property assessed second in priority only to property taxes and prior special assessments.

(f) Accounts for special assessment rolls shall be created and kept separate from all other municipal accounts. Moneys collected from special assessments shall be used solely to pay the cost of the improvements to which they apply and to the principal of and interest on indebtedness of the municipality.

ARTICLE XV

CHARTER AMENDMENT

Sec. 15.010 Proposal

Amendments to the Charter may be proposed:

(1) By ordinances of the assembly containing the full text of the proposed amendment;

(2) By report of an elected charter commission created by assembly ordinance or by initiative ordinance; or

(3) By initiative petition in accordance with Sec. 7.020(1) of this Charter.

Sec. 15.020 Election

(a) Proposed amendments shall be submitted to the qualified voters of the borough at the next general or special election occurring more than forty-five days after the adoption of the ordinance, the final report of the charter commission, or certification of the initiative petition. A notice containing the text of each proposed amendment shall be published.

(b) If a majority of the qualified voters voting on a proposed amendment approve, the amendment shall become effective at the time fixed therein or, if no time is so fixed, thirty days after certification of the election.

ARTICLE XVI

GENERAL PROVISIONS

Sec. 16.010 Personal Financial Interest

(a) No elected official may vote on any question on which he has a substantial financial interest. Any borough officer, employee, or assemblyman who has a substantial financial interest in any contract with the borough or in the sale of any land, material, supplies or services to the borough or to a contractor supplying the borough shall make known that interest and shall refrain from participating in his capacity as a borough officer, employee, or assemblyman in the making of such sale or in the making or performance of such contract.

(b) Any borough officer, employee or assemblyman who conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office and shall forfeit his office or employment. Violation of this section with the knowledge express or implied of the person contracting with or making a sale to the borough shall render the contract or sale to the borough voidable by the administrator or the assembly.

(c) The assembly by ordinance may prescribe additional rule and penalties to prevent conflicts of interest.

Sec. 16.020 Prohibitions

(a) No person may be discriminated against in any borough employment because of race, age, color, political or religious affiliation, or national origin.

(b) No person may willfully falsify any test, certification, or appointment record under the personnel regulations, or in any manner seek to prevent the impartial execution of those regulations.

(c) No person may offer, give or receive any money, service, or other valuable thing to influence any action affecting the employment status of any appointive borough officer or employee.

(d) No borough officer, employee, or assemblyman may solicit from any person holding a compensated borough position, a contribution for any political party or purpose.

Sec. 16.030 Surety Bonds

The borough mayor, the borough clerk or such other officers and employees as the assembly may designate, before entering upon their duties, shall be bonded, by individual and/or group bonds, for the faithful performance of their respective duties, payable to the borough, in such form and in such amounts as the assembly may prescribe with a surety company authorized to operate within the state. The borough shall pay the premiums on such bonds.

Sec. 16.040 Oath of Office

Before office, every elected and appointed borough officer shall take and subscribe an oath or affirmation of office as the assembly may require.

Sec. 16.050 Continued Office

Every officer who is elected or appointed for a term ending at a definite time shall continue to serve until his successor qualifies and takes office, except in the case of death, resignation, or termination by law or this Charter.

Sec. 16.060 Borough Proceedings

The assembly by ordinance shall establish procedures governing administrative proceedings in which the legal rights, duties, privileges or penalties of persons are to be determined; insure fair and equal treatment of all persons involved in such proceedings; and provide for the conduct of such proceedings in an orderly and uniform manner.

Sec. 16.070 Records to be Public

All records of the borough shall be public except as otherwise provided by law. Records shall be available at borough offices for public inspection and for distribution at such reasonable price as the assembly may direct. Copies certified by the clerk shall be prima facie evidence of their contents.

Sec. 16.080 Possession

The borough may not be divested of title to real property by adverse possession.

Sec. 16.090 Actionable Claims

Except as provided in Sec. 17.110 of this Charter, provisions of law governing claims against borough corporations apply to claims actionable against the borough.

Sec. 16.100 Separability

If any provision of this Charter is held invalid, other provisions shall not be affected. If the application of this or any of its provisions to a person or circumstance is held invalid, the application of this Charter or any of its provisions to other persons or circumstances shall not be affected.

Sec. 16.110 Notice of Lien

When any lien other than for ad valorem taxes or special assessments is placed by the borough on any real property, notification of the lien shall be sent by registered or other special mail to the person whose name appears as owner of the property on the most recent tax assessment roll.

Sec. 16.120 Claims for Injuries

(a) Notice of Injury

The borough shall not be liable in damages for injury to person or property by reason of negligence or gross negligence unless, within four months after the injury occurs, the person damaged or his representative serves written notice to an officer upon whom process may be served. The notice shall state that the person intends to hold the borough liable for damages and shall set forth with clarity the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.

(b) Presentation of Claim

No person may bring an action against the borough for damages to person or property by reason of negligence or gross negligence unless the action is brought within the period prescribed by law and he has first presented to the administrator a claim in writing under oath setting forth specifically the nature and extent of the injury and the amount of damages claimed. The administrator shall promptly present the claim to the assembly for action.

(c) Failure Bars Action

Failure to give notice of injury or to present a claim within the time and in the manner provided shall bar an action upon the claim.

(d) Defense of Immunity

This section does not waive any defense of immunity which the borough may have from claims for damages to persons or property.

Sec. 16.130 Regulation of Water and Submerged Lands

The assembly may regulate the use and development of all waters and submerged lands which are subject to the jurisdiction of the borough.

Sec. 16.140 Definitions

(a) "Agency" means any department, office, board, commission, or other organizational entity of the borough.

(b) "Emergency" means a sudden unforeseen occurrence or condition which results, or apparently will result, in a relatively permanent insufficiency of services or facilities substantial enough to endanger the public safety or welfare.

(c) "Law" and "municipal law" mean this Charter, the ordinances and resolutions preserved by this Charter or enacted pursuant to it, those statutes of the State of Alaska which are valid prohibitions of the exercise of legislative power by home rule governments, and those portions of the constitutions of the State of Alaska and of the United States relative to the rights of man or to home rule local government.

(d) "State law" means the law as above defined, supplemented by all other general law which although not within the definition of "law" above is consistent with this Charter.

(e) "Borough office or employment" and "borough officer or employee" include any position or person serving in departments, offices, agencies, and on boards, commissions or other entities of the North Slope Borough government, whether or not compensated, including the borough school district. Borough employment or employee shall not include any position or person employed by a contractor doing work for the borough or its school district.

(f) "Qualified voter" means a qualified voter as defined in Article V of the constitution of the State of Alaska.

(g) "Publish" means to cause to be printed at least once in at least one newspaper of general circulation within the borough, the matter required by law to be published. When the assembly determines that it is not feasible to publish in this manner, it shall direct publication in another manner. (Ord. 80-1 §4(part), 1980).

ARTICLE XVII

TRANSITIONAL PROVISIONS

Sec. 17.010 Effective Date

This Charter shall be effective immediately on ratification.

Sec. 17.020 Composition of Assembly upon Adoption of this Charter

(a) All those persons comprising the assembly of the North Slope Borough existing immediately before the adoption of this Charter shall be deemed to have been elected to the office of assemblyman under this Charter. The term of those assemblymen elected under this subparagraph (a) shall expire upon the assumption of office by their successors elected at the general election of the borough held in October of 1975.

(b) An election for that number of assemblymen not to be elected to the office of assemblyman under subparagraph (a) of this section, shall be held concurrently with the election whereby this Charter is submitted to the voters of the North Slope Borough for ratification. The term of office of the assemblymen elected under this subparagraph (b) shall expire upon the assumption of office by those elected as assemblymen at the general election of the borough held in October of 1976.

(c) The assemblymen elected at the general election of the North Slope Borough in October of 1975 shall be elected as follows: two assemblymen for a two-year term; three assemblymen for a three-year term. The terms shall be determined by drawing of lots.

(d) The assemblymen elected at the general election of the North Slope Borough in October of 1976 shall be elected as follows: two assemblymen for a three-year term.

(e) The assemblymen elected under subparagraph (a) of this section shall receive the same compensation as allowed before the adoption of this Charter, until modified by ordinance.

Sec. 17.030 Organization of the Assembly

The assembly shall meet on the first Tuesday of the month following the election at which this Charter is approved. The assembly shall elect from its membership a president of the assembly and do such other acts as may be required for its organization and for the conduct of its business.

Sec. 17.040 Transitional Provisions for Borough Mayor

That person occupying the office of North Slope Borough mayor immediately before the adoption of this Charter shall be deemed to have been elected to the office of mayor of the North Slope Borough under this Charter. The term of the mayor elected under this section shall expire upon the assumption of office by his successor elected at the general election of the North Slope Borough held in October of 1975. For the purpose of Sec. 5.020(c) the term ending October of 1975 shall not be considered full term.

Sec. 17.050 Transitional Provisions for School Board

(a) All those persons comprising the school board of the North Slope Borough existing immediately before the adoption of this Charter shall be deemed to have been elected to the office of school board member under this Charter, notwithstanding the fact that the school board presently constituted is comprised of seven (7) members. The school board as presently constituted shall function until the term of those school board members elected under this subparagraph (a) expires. The term of those school board members elected under this subparagraph (a) shall expire upon the assumption of office by those elected as school board members at the general election of the borough held in October of 1975.

(b) The school board members elected at the general election of the North Slope Borough in October of 1975, shall serve as school board members as provided in this Charter for their terms. Those elected shall draw lots as follows: two one-year terms; two two-year terms; and three three-year terms.

(c) The members of the school board elected under subparagraph (a) of this section shall be compensated pursuant to Sec. 9.020 (b) of this Charter.

Sec. 17.060 Continuation of Employment

All employees of the North Slope Borough shall continue in employment until the assembly, as the case may be, provides otherwise. Salaries and benefits enjoyed by current employees shall continue until provision is made to the contrary.

Sec. 17.070 Boards, Committees and Commissions

Except for those provided for by this Charter, all appointed committees, commissions and boards in effect at the time this Charter is ratified shall be dissolved one year after the effective date of this Charter unless sooner abolished or specifically continued by ordinance.

Sec. 17.080 Assets and Liabilities

The North Slope Borough, as a home rule borough, shall succeed to all the assets and liabilities of the previously existing first class borough.

Sec. 17.090 Ordinances and Resolutions

To the extent not inconsistent with the Charter, ordinances, resolutions and orders of the borough shall continue in full force and effect until no later than two (2) years after ratification of this Charter when they shall expire, unless after substantive review by the assembly, each ordinance, resolution, or order has been expressly reaffirmed, revised, or repealed.

Sec. 17.100 Budget

Following adoption of this Charter, the borough shall operate under the budget of the North Slope Borough in effect at adoption and under the budget for the following fiscal year, if one has been adopted by the assembly.

Sec. 17.110 Continuance of Actions

The adoption of this Charter shall not abate or otherwise affect any action, cause of action, claim, proceeding, civil or criminal, by or against the borough and which had accrued at the time of the effective date of this Charter. The applications, petitions, hearings, and other proceedings pending on the effective date before the borough shall be continued.

Sec. 17.120 Transitional Provisions as to Taxation

The assembly may by ordinance and resolution make the taxing power granted the North Slope Borough by this Charter applicable to the ad valorem tax imposed for the 1974 assessment year and the 1974-1975 fiscal year of the North Slope Borough.

Sec. 17.130 Representation at Subsequent Elections

At all subsequent regular elections, the election to fill positions of the elected officials whose terms expire, shall be at large and they shall be nominated and elected by the qualified voters of the municipality at large for three-year terms.

CERTIFICATE

We, the undersigned members of the North Slope Borough Charter Commission, duly elected in accordance with Title 29, Alaska Statutes, state that the Charter Commission has prepared the above Charter of the Home Rule North Slope Borough, and do hereby adopt this Charter and direct that it be filed in accordance with law, and further direct that this Charter be submitted to the qualified voters of the North Slope Borough at a special election which shall be held for approval or rejection in accordance with law.

In witness whereof, we hereunto subscribe our names on this 28th day of February, 1974.

DAVID BODFISH

FENTON REXFORD

FRANK MATUMEAK

WALTER NAYAKIK

BILLY NASHOALOOK

ROOSEVELT PANEAK

VACANT

I hereby certify that the North Slope Borough Home Rule Charter was filed with me on this 28th day of February, 1974.

Clerk